

WEARE OPEN SPACE COMMITTEE

Minutes

October 23, 2007

+++++FINAL+++++

Commencement- Chairman Najjar called the meeting to order at 7:07 PM. Present this evening were: John Ciampi, Andrea Alderman, Margaret Watkins, Steve Najjar, and Ian McSweeney.

Minutes Review – The Committee reviewed the minutes of 9-25-07 and no changes were made. Andrea made motion to accept the minutes as written, and Pat 2nd. All voted in favor, and the motion carries.

Current Use Change Tax Rumor – Steve conveyed that there is a possible move under foot to decrease a major source of funding for the Conservation Fund, the current use change tax penalty, from the current 75% to 50%. While Steve didn't name the source of this information, he did mention it is reliable. Steve suggested if this reduction were to be placed on ballot, an appropriate countermeasure would be to attempt an increase to 100%. Steve admitted this attempt would be a risky venture, but nonetheless the most viable option.

Bond Article – Steve informed the Committee there is a possibility of a bond warrant article of significant value unrelated to protecting open space. Steve wondered if there is a cutoff for a lower amount which would unnecessitate a bond. Steve felt that lower valued bonds can be pooled together so that the accumulated bond warrant would be worthwhile to the Municipal Bond Bank. Pat underscored the importance of Select Board support before asking for a bond so to avoid being at odds with them. Steve chimed there should be no problem working with the BOS, especially if all its members are in sync with conservation. If the Board should not be receptive to conservation in general, Steve added, it may be best to focus on smaller less costly parcels. Steve feels the current Board maintains a neutral position toward conservation. Steve pondered what would be good timing to bring the BOS up to speed on recent open space occurrences, but, as Steve maintained, that aspect shouldn't happen until the OSC compiles a comprehensive report of its latest work.

Shattuck Land Contact – Steve acknowledged this land contact could possibly be consummated this year. Steve then asked about the driveway permits, to which Andrea replied she called the DOT and it will be a week or two before a reply is forthcoming. There is no appraisal on this property, but Mr. Shattuck will accept the Town's assessed value. Steve suggested going over the strategies and priorities with this parcel.

Hawkes – Strategy with this land contact has changed. Mr. Hawkes now wants to meet the week of November 6, and Rod Wilson will also be involved. . He desires to reserve 3 house lots for his children, with 10 acres apiece. Two lots could be separate, with the third connected to the remainder of the property but extrapolated out of the conservation segment. His property is in a conservation overlay. Rod Wilson's parcel comprises about 100 acres and harbors an archeological site and an old forest road with an inveterate stone bridge which crosses a small brook. Also, the Wood conservation land is contiguous to the Wilson piece. On another favorable note, Rod is known for his conservation tendencies. At this phase in the Hawkes land discussion, the Committee took time to peruse the Town map of these two parcels to discern other connectivity and general location in relation to the Town as a whole. Sean is considering a bargain sale. Future public use is currently unresolved; however Steve

proposed non consumptive uses such as nature walks, hiking, snowshoeing, etc. Margaret chimed in that the OSC has leverage in this land contact in that Sean is making out well for himself in procuring 3 house lots for his children and a fine lot for himself. Steve added that the 3 house lots would have a higher value if an easement happened because it would then be more desirable. As an aside, Margaret mentioned that Scott Heath attended a course for appraisers of conservation easements where he earned a separate certification.

Silvia Pope – She is not in any hurry at this point and has been in communication with Gordon Russell.

Pinard – Margaret intends to call him. Margaret mentioned that because the appraisal came in so low, the WCC will cover all his out of pocket expenses if he does indeed place an easement on his property. This property abuts a Town owned parcel, lot 127 & 56, map 410..

Steiner - He has an 18 month window for negotiating, so further discussion can wait until next month. Steve set forth that a P&S Agreement can be protracted out for the 18 month period. Steve added the 18 month time frame can be used to procure necessary funding for this contact. Pat addressed the Committee that a P&S Agreement would help protect Mr. Steiner if the Committee needed to stretch it to 18 months, a document he could have “in hand”. Margaret furthered that Carole Hall, past director of the Russell Foundation, always favored an option agreement rather than a P&S Agreement, but admitted she didn’t know why. Ian chimed that an option has more flexibility on the buyer’s end, and with an option there is a considerably lower dollar amount. Pat asked Ian why the seller may want to go with an option, to which he replied an option is still legally binding and leads to a final contract and it binds only the buyer, whereas with a P&S Agreement both parties are bound to it. Margaret suggested putting down some “honest” money in the beginning of the foreclosure proceedings. Pat stated the full assessment value to be \$146,000.00, and \$105,000.00 with current use assessment. Margaret suggested arranging a meeting with Mr. Steiner rather than doing business over the phone. At this juncture of the discussion, the group perused a Town map trying to determine the connectivity of the Steiner parcel to surrounding parcels. Steve disclosed it would be helpful to know what Mr. Steiner originally paid for his land. Andrea informed the Committee that Mr. Steiner is interested in the *concept* of doing a bargain sale, so Mr. Steiner was given the name of someone to talk with, and then will continue from there. Steve commented the next step is to try and determine what his final offer will be. Ian felt that, because of the high density of development in this part of town, this property value is somewhat inflated, especially since only 1 house lot can be gleaned from the property. Ian also gave the title search information as book number 2972, page 540, plan number 13962, and dated December 3, 1982. Margaret queried what would be a reasonable rate of return for this property, to which Steve responded between 8-10%; however, Ian felt it to be closer to 4-5% because of the wide range of peaks and valleys in the market since 1982. On another note, the property description mentions standard restrictive covenants which, as Margaret submitted, should be investigated further, and Ian suggested it could help lower the property value. And he added, it could be a standard for that particular subdivision. Andrea volunteered to research the deed, to determine exactly what covenants are attached to this property. Margaret stated one could determine the tax rate on this land by conferring with the tax registry.

General Discussion – Committee members paused with general land contact discussion to scrutinize the Town map trying to determine which “loose” parcels are eligible for Town designation by legislative vote. There are several parcels on Jewitt Rd. that are currently Town owned and acquired by back taxes; however Steve suggested examining the registry of deeds to verify their status. There are some larger parcels the Committee focused, and it discussed ways to contact the owners.

Mike McKevitt – Steve asked John about this contact, and John responded Mike has not returned his voice message. Margaret asked if this property has brook frontage, to which John replied “yes” (Dustin Brook). It was agreed this contact head for the back burner for now.

Michelle Gagnon – This land appears to be mostly wetland. Pat volunteered to contact her to reschedule a site walk. Her land comprises 21 acres.

Dot O’Neil – Her property abuts Silvia Pope’s land, who sometime may want to conserve her property. Ms. O’Neil is flexible to an easement or outright purchase, according to Ian. This property harbors a number of trails which Dot had made in past years. She would like to open it to the public but not hunting. Ian spotted a moose while walking this property. The time frame for closure could be within the next year. Ian suggested it makes sense to move forward with an appraisal soon. Her property also abuts the Kurk’s land, who are noted for their pro conservation stance. Steve mentioned that a motion be made at the next Conservation Commission meeting to authorize funds for the proposed appraisal. The appraiser will probably be Scott Heath.

Dorothy Cleaves – She has an address in Wilton, NH. Ian tried calling her but she has already left for Florida. Since then, Ian sent her a letter to her Florida address.

Ray Banks – John suggested a site walk for this upcoming weekend. Mr. Banks plans to head for Florida early November. John volunteered to call him and set up a site walk date. Ray wants \$1,700,000.00 for his property. He owns 130 acres on lot number 408/123. John read off the assessment values, listed under an Emma Schmidt, and the values are as follows: 21.5 acres assessed at \$280,000.00; 55 acres assessed at \$46,800.00; 11.04 acres, assessed at \$387,500.00 (gravel pit); and 61.6 acres assessed at \$280,000.00. Steve affirmed the gravel pit would need to be sectioned out of the other parcels before the start of any negotiating. Steve added that the OSC could attempt to purchase the properties’ fields with possible aid from the Federal Farm and Ranch program. Jodi Walker is the contact for this program. Steve related the figure Mr. Banks is asking is twice the assessed value. Steve stated the OSC will not begin financial dialogue with Ray unless he lowers his asking price to assessed values or less. This property is zoned rural agricultural.

Bruce Farr – John left him a voice mail but he never returned the call. Ian asked John for his home phone number.

Adjournment – Andrea made motion to adjourn, and Pat 2nd. All voted in favor, and the meeting adjourned at 9:09 PM.

Respectfully Submitted,

John Ciampi

cc: BOS
Files
Merry Rice
Land Use Coordinator